

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARTHA DAVIS, as assignee of “THE
MOTELS,” on behalf of herself and all others
similarly situated,

Plaintiff,

vs.

EMI GROUP LIMITED; CAPITOL
RECORDS, LLC; EMI MUSIC NORTH
AMERICA, LLC; EMI RECORDED MUSIC;
and EMI MARKETING,

Defendants.

CASE NO. CV 4:12-cv-01602-YGR

**AMENDED ORDER GRANTING IN
PART STIPULATION TO: (A) STAY
DEFENDANT’S MOTION TO DISMISS
SECOND AMENDED COMPLAINT [DKT.
NO. 30] PENDING RULING ON
PLAINTIFF’S MOTION TO DISQUALIFY
DEFENDANT’S COUNSEL [DKT. NO. 29],
AND (B) RE-SET HEARING ON
PLAINTIFF’S MOTION TO DISQUALIFY**


The parties have submitted their stipulation (Dkt. No. 32) concerning the pending motion to disqualify counsel and motion to dismiss. The Court’s Order of September 4, 2012, **GRANTED** the stipulation **IN PART**. The order contained an error as to the hearing date on Defendant’s Motion to Dismiss. Thus, the Court amends to the order to **GRANT THE STIPULATION IN PART** as follows:

1. Briefing on Defendant’s Motion to Dismiss is suspended and the hearing currently set for **October 2, 2012** is **VACATED** pending the Court’s consideration and ruling on Plaintiff’s Motion to Disqualify.

2. Once the Court has ruled on Plaintiff’s Motion to Disqualify, Defendant’s counsel (whether that be its current counsel or new counsel retained due to the motion being granted) shall re-notice the hearing on Defendant’s Motion to Dismiss following the normal timelines for notice, opposition and reply as set forth in Local Rules 7-2 and 7-3.

3. The hearing on Plaintiff's Motion to Disqualify is **VACATED** and **RESET** for October 9, 2012, at 2:00 p.m. However, the opposition and reply shall be filed consistent with the original deadlines and hearing date.

IT IS SO ORDERED.


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE